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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

10 BARBARA HERPOLSHEIMER, as Special
11 Administratrix to the Estate of BERT WEAVER,

12 Plaintiff,

13 vs.

14 MARQUIS COMPANIES I, INC., a Foreign
15 Corporation, dba MARQUIS PLAZA REGENCY
and/or MARQUIS PLAZA REGENCY POST
16 ACUTE REHAB and/or MARQUIS CARE AT
PLAZA REGENCY; DIRECT SUPPLY, INC., a
17 Foreign Corporation; INVACARE
CORPORATION, a Foreign Corporation; ROE
18 RETAILER; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

20 Defendants.

21 MARQUIS COMPANIES I, INC., a Foreign
Corporation, dba MARQUIS PLAZA REGENCY,

22 Cross-Claimant,

24 vs.

25 INVACARE CORPORATION, a Foreign
Corporation,

27 Cross-Defendant.

Case No.: 2:21-cv-00659-RFB-EJY

**STIPULATION AND ORDER TO
DISMISS WITH PREJUDICE**

1 Plaintiff, BARBARA HERPOLSHEIMER, as Special Administratrix to the Estate of
2 BERT WEAVER (hereinafter "Plaintiff"), Defendant, MARQUIS COMPANIES I, INC.
3 (hereinafter "Marquis"), Defendant, INVACARE CORPORATION (hereinafter "Invacare"), and
4 Defendant, DIRECT SUPPLY, INC. (hereinafter "Direct Supply"), by and through their
5 respective counsel of record, hereby stipulate as follows:
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- 7 1. That Plaintiff's claims as to Defendant, MARQUIS COMPANIES I, INC., a Foreign
8 Corporation, dba MARQUIS PLAZA REGENCY and/or MARQUIS PLAZA
9 REGENCY POST ACUTE REHAB and/or MARQUIS CARE AT PLAZA
10 REGENCY, be dismissed *with prejudice*;
- 11 2. That Plaintiff's claims as to Defendants, DIRECT SUPPLY, INC. and INVACARE
12 CORPORATION, be dismissed *with prejudice*;
- 13 3. That all parties herein bear their own attorneys' fees and costs; and
- 14 4. That this Stipulation and Order resolves the entirety of this case and any pending case
15 deadlines may be vacated.

16 IT IS SO STIPULATED.
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18 Dated this 25th day of March, 2024.

19 HENNESS & HAIGHT

20 /s/ Stephen J. Mendenhall, Esq.
21 MARK G. HENNESS, ESQ.
22 Nevada Bar No. 5842
23 STEPHEN J. MENDENHALL, ESQ.
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25 8972 Spanish Ridge Avenue
Las Vegas, Nevada 89148
26 *Attorneys for Plaintiff*

Dated this 25th day of March, 2024.

HUTCHISON & STEFFEN

27 /s/ Brittany Lewis, Esq.
28 DAVID J. MORTENSEN, ESQ.
Nevada Bar No. 2547
COURNEY CHRISTOPHER, ESQ.
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Nevada Bar No. 14565
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Las Vegas, Nevada 89145
Attorneys for Defendant
MARQUIS COMPANIES I, INC

1 Dated this 25th day of March, 2024.

2 BOWMAN AND BROOKE LLP

3 /s/ Lauren L. Walter, Esq.

4 WILLIAM F. AUTHER, ESQ.
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8
9 MARIO D. VALENCIA, ESQ.
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12 *Attorneys for Defendants*
INVACARE CORPORATION and DIRECT
13 *SUPPLY, INC.*

14 **IT IS SO ORDERED:**

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17 **RICHARD F. BOULWARE, II**
18 **UNITED STATES DISTRICT JUDGE**

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20 DATED: March 28, 2024

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